

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHLOMO GAVEY,

Civ. File No. 08 CV 3000

Plaintiff,

-against-

REPLY

ISRAEL GOLDBERG, ISRAEL GOLDBERG
PLLC, GOLDBERG & RIMBERG
COUNSELORS AT LAW PLLC, GOLDBERG,
RIMBERG & FRIEDLANDER, PLLC,

Defendants.
-----X

Plaintiff Shlomo Gavey, by his attorney, Nathan M. Ferst, as and for his Reply to the
Counterclaims of Defendants:

1. Denies the allegations contained in paragraphs numbered and designated
64, 68, 73, 75, 77, 78, 79, 82, 83, 84, 85, 86, 87, 88, 98, 100, 101, 102, 103, 104, 110,
111, 112, 113, 114, 116, 120, 121, 123, 125, 126, 128, 129, 130, 131, 132, 133, 134, 141,
143, 144, 149, 150, 151, 152, 154, 155, 156, 157, 159, 162, 163, 164, 165, 166, 167, 169,
171, 172, 173, 174, 176, 177, 178, 178 [sic], 179 and 180 of the Answer.

2. Denies knowledge or information sufficient to form a belief as to the
allegations contained in paragraphs numbered and designated 81 (which call for a
conclusion of law), 89, 94(which calls for a conclusion of law), 95, 96, 105, 106, 108,
115, 117, 122, 124, 127 (which calls for a conclusion of law), 135, 136, 137, 138, 139,
158, 160, 168, and 175 of the Answer.

3. Admits the allegations contained in Paragraph 66 of the Answer, except
denies that said shares of stock were escrowed with Plaintiff's lawyer.

4. Admits the allegations contained in Paragraph 69 of the Answer but respectfully refers the Court to public records concerning the date of such filing.

5. Denies the allegations contained in Paragraph 99 of the Answer, except admit that prior to Defendants being retained Plaintiff did not execute said judgment on 327 Beach 144th Street.

6. Denies the allegations contained in Paragraph 119 of the Answer, except admits that said lawyer commenced representing Plaintiff in or about 1998.

7. Denies the allegations contained in Paragraph 140 of the Answer, except admits that Avram Indurski and Plaintiff each made trips to New York and met with Defendants concerning the legal representation of Plaintiff.

8. Denies the allegations contained in Paragraph 142 of the Answer, except admits that Plaintiff told Defendants that Plaintiff had been represented by Nathan M. Ferst from time to time in the past.

9. Object to and is unable to reply the allegations contained in Paragraph 161 of the Answer as to do so would infringe upon the Attorney Client Privilege.

AS FOR A FIRST AFFIRMATIVE DEFENSE

10. Defendants fail to state a counterclaim upon which relief may be granted.

AS FOR A SECOND AFFIRMATIVE DEFENSE

11. Defendants' counterclaims are barred by laches, waiver and estoppel.

AS FOR A THIRD AFFIRMATIVE DEFENSE

12. Defendants' counterclaims are barred by the Statute of Limitations.

AS FOR A FOURTH AFFIRMATIVE DEFENSE

13. Defendants failed to mitigate their damages.

AS FOR A FIFTH AFFIRMATIVE DEFENSE

14. Defendants have failed to plead their defenses and counterclaims, including, without limitation, fraud, with requisite specificity.

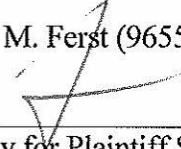
AS FOR A SIXTH AFFIRMATIVE DEFENSE

15. Defendants were discharged for cause and are not entitled to monies or any other compensation or recovery from Plaintiff.

WHEREFORE, Plaintiff Shlomo Gavey prays this Court for judgment dismissing the Answer with Counterclaims of Defendants, awarding Plaintiff relief on his claims, and awarding Plaintiff his costs and disbursements of this action.

Dated: New York, New York
June 19, 2008

Nathan M. Ferst (9655)

By: 
Attorney for Plaintiff Shlomo Gavey
350 Fifth Avenue, Suite 1000
New York, New York 10118
(212) 683-8055

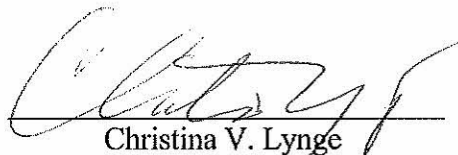
STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

Christina V. Lynge, being duly sworn, says: I am not a party to the action, am over 18 years of age and reside in Brewster, New York

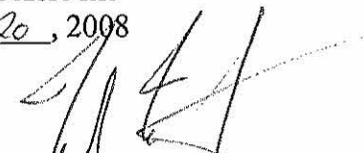
On June 20, 2008, I served the within Reply upon:

Andrew Seth Kowlowitz, Esq.
Furman Kornfeld & Brennan LLP
Attorneys for Defendants
545 Fifth Avenue, Suite 401
New York, New York 10017
(212) 867-4100

the address designated for said purpose by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service in the State of New York.


Christina V. Lynge

Sworn to before me
On June 20, 2008


NATHAN M. FERST
Notary Public, State of New York
No. 02FE4946970
Qualified in New York County
Commission Expires February 6, 2011

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

-against-

ISRAEL GOLDBERG, ISRAEL GOLDBERG
PLLC, GOLDBERG & RIMBERG
COUNSELORS AT LAW PLLC, GOLDBERG,
RIMBERG & FRIEDLANDER, PLLC,

Defendant.
-----X

REPLY

NATHAN M. FERST
ATTORNEY FOR PLAINTIFF

By: 

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NEW YORK, NEW YORK 10118
(212) 683-8055